85-1272

Supreme Court, U.S.
FILED
JAN 28 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

NO. _____

JEREMY MYER,

Petitioner,

v.

PACIFIC FEDERAL SAVINGS
AND LOAN ASSOCIATION,

Respondent.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE STATE OF CALIFORNIA SUPREME COURT

Part 4 of 4

JEREMY MYER
16783 Beach Boulevard
Huntington Beach, CA 92647
714/841-8104
Petitioner, In Pro Se

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION III

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, APPELLATE DEPARTMENT, Respondents, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	PETITION FOR WRIT OF REVIEW (CERTIORARI) [CCP Section 1069 Cal Rules of Ct., Rule 56]

The Municipal Court CASE NO. A 73032

The Superior Court CASE NO. 42-14-46

The Appellate Department of the Superior Court CASE NO. AP-4726

TO THE HONORABLE...JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA:

[Myer] alleges:

....

7. On January 6, 1984,...Municipal Court denied [Myer's] MOTION TO QUASH the Unlawful Detainer action and issued the NOTICE OF ORDER (...and made a part hereof by its reference).

8. ...Municipal Court acted without jurisdiction in rendering said decision and order for the following reasons which are clearly established in and supported by the records of all Respondents:

a. [Myer] lawfully and legally purchased the subject property at the Foreclosure Sale, claims the title with THE RIGHT TO THE POSSESSION and, where title is the ultimate issue,...Municipal Court had no jurisdiction to proceed other than to quash the Summons and

Complaint of PACIFIC.

b. There was no Perfection of Title prior to the Three-Day Notice to Quit, yet such Notice signed by PACIFIC's attorney, an officer of the Court, specifies that "Title has been Duly Perfected". Without prior Perfection of Title, the Three-Day Notice to Quit lacks any sufficiency of jurisdiction and denies any cause of action in the summary proceedings of Unlawful Detainer since such Perfection of Title is a pre-requisite (CCP Sec. 1161a).

c. The Three-Day Notice to Quit was not served properly in accordance with CCP Sec. 1162: it was not served on [Myer], on any tenant or on valid holdover and there was no follow-up mail service prior to the...Municipal Court proceeding.

d. The service of the SUMMONS

AND COMPLAINT was insufficient as to proper personal service and/or follow-up service by mail (CCP Secs. 415.10 and 415.20).

e. Since there was no landlord/tenant relationship, there was no legal or lawful basis upon which the Unlawful Detainer could proceed or remain at bar.

f. Petitioner clearly challenged the jurisdiction of...Municipal Court to proceed on the above and related grounds as specified in the records, but Respondent both assumed jurisdiction and proceeded to find against [Myer] without proving same once jurisdiction had been challenged.

g. Other and related issues as set forth in the records of all Respondents.

9. On January 20, 1984,...Municipal Court denied [Myer's] MOTION TO QUASH the

Unlawful Detainer action as evidenced by a copy of the CIVIL MINUTE SHEET (..., and made a part hereof by its reference).

10. ...Municipal Court again acted without jurisdiction in rendering said decision for the same reasons as are stated in item 8, above, and which are clearly established in and supported by the records of all Respondents.

11. On January 25, 1984,...Municipal Court dismissed [Myer's] MOTION TO QUASH the Unlawful Detainer action on its own motion and without hearing, and issued the NOTICE OF ORDER, including "DEFAULT" (..., and made a part hereof by its reference).

12. ...Municipal Court again acted without jurisdiction in rendering said decision for the same reasons as are stated in item 8, above, and which are clearly established in and supported by

the records of all Respondents. In addition, there was no default either by [Myer] or by any member of his household since [Myer] has THE DUTY and THE RIGHT to act for himself, for his spouse, and for his household (CCP Secs. 371 and 369, and the United States and State Constitutions.)

13. On February 10, 1984,...Municipal Court dismissed [Myer's] MOTION TO VACATE JUDGMENT AND FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW in the Unlawful Detainer action on its own motion and without hearing, and issued the NOTICE OF ORDER (..., and made a part hereof by its reference).

14. ...Municipal Court once again acted without jurisdiction in rendering said decision for the same reasons as are stated in item 8, above, also that there was no default as stated in the above

item 12, and which are clearly established in and supported by the records of all Respondents.

15. On April 2, 1984,... Superior Court (CASE NO. 42-14-46) denied [Myer's] PETITION FOR WRIT OF MANDATE/PROHIBITION for the Unlawful Detainer action, but ordered "a preliminary injunction" with certain conditions (which were fulfilled by [Myer]), and issued the ORDER GRANTING WRIT OF MANDATE/PROHIBITION (..., and made a part hereof by its reference).

16. ...Superior Court acted in excess of its jurisdiction in rendering said decision for the same reasons as are stated in item 8, above, that there was no default as stated in the above item 12, and which are clearly established in and supported by the records of all Respondents.

17. Additionally, a Writ of Mandate

should have issued from the...Superior Court to compel the lower tribunal to perform an act which the law specifically enjoins as a duty resulting from an office, trust, or station, and to arrest the proceedings of the lower tribunal when such proceedings are without or in excess of the jurisdiction of such tribunal, because [Myer], as beneficially interested, had no plain, speedy, or adequate remedy in the ordinary course of the law (CCP Sec 1085, 1086, 1102, 1103).

18. On August 17, 1984,...Superior Court (CASE NO. 42-14-46) denied [Myer's] MOTION FOR ORDER FOR ABATEMENT OF MUNICIPAL COURT PROCEEDINGS OR IN THE ALTERNATIVE STAY OF MUNICIPAL COURT PROCEEDINGS of the Unlawful Detainer action (...and made a part hereof by its reference)..., and the dissolution of the "preliminary injunction".

19. ...Superior Court acted in excess of its jurisdiction in rendering said decision for the same reasons as are stated in item 8, above, that there was no default as stated in the above item 12, and which are clearly established in and supported by the records of all Respondents.

20. Additionally, an Order for Abatement or, In the Alternative, Stay of the...Municipal Court Proceedings should have issued from the...Superior Court since the lower tribunal had no jurisdiction of the subject of the cause of action alleged, that there was another action pending between the parties on the same cause of action and, therefore, the lower tribunal had no grounds to proceed initially (CCP Secs. 430.10 (a), (c), 597).

21. ...Superior Court...[decision] ...not relevant to the jurisdictional issues which [Myer] had raised pertinent to the summary proceedings of the Unlawful Detainer action in the...Municipal Court, and that there was still the need for an affirmative ruling in the matter at bar before it: said...Municipal Court had no basis on which to proceed from the inception of the case.

22. ....

23. On August 22, 1984, the NOTICE OF DEFAULT ENTRY (...and made a part hereof by its reference) was issued "under the penalty of perjury" by the Clerk/deputy clerk of the...Municipal Court in CASE NO. A 73032, and the ORDER FOR WRIT OF POSSESSION BY CLERK - UNLAWFUL DETAINER (...and made a part hereof by its reference) was issued and filed on August 24, 1984.

24. The records clearly show that [Myer], nor anyone in his household, was in default at any time and, therefore, the issuances of the...[item 23, above, items]...are further proof of the lack and want of jurisdiction of the proceedings, as well as the necessity and requirement for a complete review of these matters.

25. On April 1, 1985,...Appellate Department (CASE NO. AP-4726) entered its JUDGMENT and decisions denying [Myer's] MOTION TO HAVE HIS PROPOSED SETTLED STATEMENT AS FILED IN THE MUNICIPAL COURT FORMERLY ACCEPTED BY THE COURT AS IF CERTIFIED OR, IN THE ALTERNATIVE, TO ORDER THE JUDGE OF THE MUNICIPAL COURT TO CERTIFY IT, OR, IN THE SECOND ALTERNATIVE, TO ORDER THAT A STIPULATED RECORD BE PROVIDED. ([Myer] had sought this because the..., Judge of the...Municipal

Court had REFUSED to settle the statement.) (Said April 1, 1985, JUDGMENT and decisions were rendered in the JUDGMENT & ORDER and MINUTE ORDER,...and made a part hereof by their reference.)

26. Also, as part of its April 1, 1985, JUDGMENT and decisions, the... Appellate Department denied [Myer's] MOTION TO HAVE THE SUBJECT PROPERTY IMMEDIATELY RETURNED TO HIM AND HIS FAMILY FOR THEIR QUIET AND PEACEFUL ENJOYMENT.

27. Furthermore, as part of said April 1, 1985, JUDGMENT and decisions,... Appellate Department affirmed "the order awarding [Pacific] restitution of the premises made and entered in the...Municipal Court...."

28. ...Appellate Department clearly erred in its JUDGMENT and decisions for 11 of the aforementioned reasons pertain-

ing to jurisdiction and default.

29. On April 29, 1985,... Appellate Department summarily denied [Myer's] PETITION FOR REHEARING OR CERTIFICATION TO THE COURT OF APPEAL as per its MINUTE ORDER (...and made a part hereof by its reference).

30. Clearly, among the other issues, said denials were want of jurisdiction since there was no prior Perfection of Title to support the Unlawful Detainer proceedings, as well as a multitude of other insufficiencies and improprieties, some of which are noted hereinabove, but all of which are clearly included in all of the court records and files of which judicial notice is to be taken in each of the above noted/related cases.

31. In support of this Petition for Rehearing (Certiorari) are all of the court records and files, including

[Myer's] REPLY BRIEF dated February 16, 1985, and [Myer's] PETITION FOR REHEARING OR CERTIFICATION TO THE COURT OF APPEAL dated April 15, 1985 (..., and are made a part hereof by their reference).

32. [Myer] has no right of appeal from said orders, decisions, judgments, and writ rendered by Respondents in that: "An appeal may be taken from a superior court in the following cases: (a) From a judgment, except...(3) a judgment on appeal from a municipal court...or (4) a judgment granting or denying a petition for a writ of mandamus or prohibition directed to a municipal court...or the judge or judges thereof which relates to a matter pending in the municipal court ...." (CCP Sec. 904.1 (a) (3) and (4)).

33. [Myer] has no plain, speedy, and adequate remedy other than this proceeding by Writ of Certiorari by reason of

the foregoing, particularly items 13 and 14 relating to [Myer's] MOTION TO VACATE JUDGMENT in, and the dismissal of same by, the...Municipal Court, and in that the judgment of the...Appellate Department becomes final "...upon the expiration of 30 days after the judgment is pronounced or upon the denial of all such petitions [for re-hearing], whichever is earlier" (Cal Rules of Ct, Rule 107 (b)(2)),...).

34. Enforcement of decisions and judgments are causing [Myer] to suffer continual injury and harm in being denied quiet title and possession of the property he lawfully purchased at public auction.

35. This application is made to this Court in the first instance due to the reasons as stated in the above items 32 and 33.

WHEREFORE, Petitioner prays:

1. That a Writ of Review (Certiorari) issue out of this Court to the... Municipal Court,...Superior Court, and... Appellate Department, commanding them to certify fully to this Court at a specified time and place all of the records and proceedings in the above-mentioned cause so that the same may be inquired into and determined by this Court, and that [Myer] receive notification when such complete records have been received by this Court for review;

2. That the aforementioned cause be fully heard and considered by this Court and that the decisions, orders, and judgments made by...Municipal Court,...Superior Court, and...Appellate Department, as documented hereinabove and as appropriately EXHIBITed, be annulled and set aside, and that [Myer] be granted full

and complete relief from same;

3. That [Myer] be granted immediate restitution of the premises;

4. That an order issue from this Court requiring...Municipal Court, and the other Respondents, as may be appropriate, during the pendency of this proceeding to desist from further proceedings in the above-mentioned cause;

....

7. That Petitioner be granted such other and further relief as the Court deems proper.

Dated: May 12, 1985.

Respectfully submitted,

Jeremy Myer
Petitioner, In Pro Per

VERIFICATION

I, JEREMY MYER, declare that I am the Petitioner....
Executed on May 12, 1985,....
I affirm that the foregoing is true and correct.

Jeremy Myer

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION III

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, APPELLATE DEPARTMENT, Respondents, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF REVIEW (CERTIORARI) [CCP Section 1068 et seq. Cal Rules of Ct, Rule 56]

....

I

A WRIT OF REVIEW (CERTIORARI) MAY ISSUE

> "A writ of review maay be granted by any court, except a municipal or a justice court, when an inferior tribunal,...exercising judicial functions, has exceeded

> the jurisdiction of such tribunal,..., and there is no appeal, nor, in the judgment of the court, any plain speedy, and adequate remedy." (CCP § 1068)
>
> "The application must be made on the verified petition of the party beneficially interested, ..." (CCP § 1069)

II

THE JUDGMENT OF A SUPERIOR COURT RENDERED ON APPEAL TO IT FROM A LOWER COURT IS NONAPPEALABLE.

Although holding that the Superior Court did not exceed its jurisdiction in affirming a judgment of conviction rendered by the Justice's Court, the Supreme Court said that:

> "Since no further appeal lies from the judgment of the superior court, however, the writ of certiorari is available as a means of challenging the jurisdiction of that court."
> Portnoy v. Superior Court
> (1942)
> 20 Cal.2d 375, 377; 125 P.2d 487

As shown by the Petition submitted herewith, [Myer] has sought appropriate

reviews in the...Municipal Court (CASE NO. A 73032), in the...Superior Court (CASE NO. 42-14-46), and in the...Appellate Department (CASE NO. AP-4726), including PETITION FOR REHEARING OR CERTIFICATION TO THE COURT OF APPEAL as part of said CASE NO. AP-4726 in the...Appellate Department (...made a part of said Petition by its reference.)

III

A COURT IS ACTING IN EXCESS OF ITS JURISDICTION WHERE IT ACTS IN EXCESS OF ITS POWER AS DEFINED BY CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES DEVELOPED BY THE COURTS, AND FOLLOWED UNDER THE DOCTRINE OF STARE DECISIS.

Although involving the Writ of Prohibition, it was well stated that:

> "Speaking generally, any acts which exceed the defined power of a court in any instance, whether that power be defined by constitutional provision, express statutory declaration, or rules developed by the courts and followed under the doctrine of stare decisis, are in excess of jurisdiction, in so far

> as that term is used to indicate that those acts may be restrained by prohibition or anulled on certiorari." [Underlines substituted for itallics.] Abelleira v. District Court of Appeal (1941) 17 Cal.2d 280,291; 109 P.2d 942; 132 A.L.R. 715.

And Abelleira was reinforced in Auto Equity Sales, v. Superior Court (1962), 57 Cal.2d 450, 455; 20 Cal.Rptr. 321; 369 P.2d 937. Furthermore, Abelleira was quoted in Brady v. Superior Court (1962) 200 Cal.App.2d 69, 74; 19 Cal.Rptr. 242, in annulling a judgment of contempt.

As shown by the Petition submitted herewith,...Municipal Court had no jurisdiction to proceed other than to quash the Summonses and Complaints of [Pacific] since there was no pre-requisite Perfection of Title (CCP Sec. 1161a), all services were invalid and insufficient (CCP

Secs. 415.10, 415.20, and 1162), there was no default by [Myer] or any member of his household (CCP Secs. 369 and 371), there was no landlord/tenant relationship (or any such presumed relationship), and so forth, and [Myer] substantiated his position with well-supporting case citations.

Furthermore, all of [Myer's] appeal and review steps were well-supported with appropriate case citations including [Myer's] Petition to the...Superior Court for a WRIT OF MANDATE PROHIBITION using other appropriate portions of the above-cited Abelleira case, yet Respondents have continually and summarily found against him.

Among other matters, this puts into serious question the meaning of 'summary

proceeding' as it relates to Unlawful Detainer, as well as the 'Unlawful Detainer' itself, and other matters of THE LAW as they relate to this matter and as clearly set forth and established in all of the files and records of the Respondents:

> "Words and phrases are construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, or are defined in the succeeding section, are to be construed according to such peculiar and appropriate meaning or definition." (CC Sec. 13. Also see CCP Sec. 16.)

Thus, in granting a Writ of Habeas Corpus to secure the release of a prisoner from custody when the information contained the wrong charge, it was stated that:

> "'...For the purposes of this writ as well as prohibition or

certiorari, the term "jurisdiction" is not limited to its fundamental meaning, and in such proceedings judicial acts may be restrained or annulled if determined to be in excess of the court's powers as defined by the constitutional provision, statute, or rules developed by courts ....'"
In re Perez (1966)
239 Cal.App.2d 466, 469;
48 Cal.Rptr 809.

IV

THE REFUSAL OF A COURT TO FOLLOW A RULE ESTABLISHED BY A COURT OF SUPERIOR JURISDICTION CONSTITUTES AN EXCESS OF JURISDICTION AS THAT TERM IS USED IN CONNECTION WITH THE WRIT OF REVIEW (CERTIORARI)

[Myer] clearly established his position via substantive U.S. Supreme Court case citations, substantive State of California Supreme Court case citations, etc., as well as appropriate statutes and rules, that...Municipal Court was totally without jurisdiction to proceed and, therefore, that...Superior Court and Appellate Department rendered

decisions which were also in excess of jurisdiction.

In annulling a judgment of the Appellate Department of the Superior Court, the California Supreme Court said that:

> "[W]hether or not the Kroiss case was decided correctly, the appellate department of the superior court exceeded its 'jurisdiction,' as that term is used in connection with the writ of certiorari, in refusing to follow a rule established by a court of superior jurisdiction." [Underline substituted for italics.] Also see Auto Equity, supra.
> Auto Equity Sales, Inc. v. Superior Court (1962) 57 Cal.2d 450, 454; 20 Cal.Rptr.321; 369 P.2d 937.

Also: "Under the doctrine of stare decisis, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction. Otherwise, the doctrine of stare decisis makes no sense. The decisions of this court are binding upon and must be followed by all the

> state courts of California. Decisions of every division of the District Court of Appeal are binding upon all the justice and municipal courts and upon all the superior courts of this state, and this is so whether or not the superior court is acting as a trial or appellate court. Courts exercising inferior jurisdiction must accept the law declared by courts of superior jurisdiction. It is not their function to attempt to overrule decisions of a higher court." [Underlines substituted for itallics.]
> Auto Equity, supra, at page 455.

And in Diamond v. Bland (1973) 33 Cal.App.3d 385, 388-389; 109 Cal.Rptr. 248, it was confirmed that the U. S. Supreme Court held superior jurisdiction to the State Supreme Court (where conflicting decisions had been concluded).

As alleged in the Petition submitted herewith, [Myer] is the...Appellant in that action entitled PACIFIC...v. WOELKE,

et al., CASE NO. A 73032, commenced in the...Municipal Court,...which case has been decided against him four (4) times by the...Municipal Court. [Myer] sought appropriate relief and reversals in the ...Superior Court (CASE NO. 42-14-46) and appealed to the...Appellate Department (CASE NO. AP-4726), all to no avail. Yet [Myer] clearly cited support for his position such as:

> "It is elementary that public officers must obey the law."
> Wirin v. Parker
> 48 Cal.2d 890; 313 P.2d 844,

and:

> "The United States Supreme Court has repeatedly asserted that all officers of the government from the highest to the lowest are creatures of the law and bound to obey it."
> 63 Am.Jur.2d, Sec. 277,

both as cited in 52 Cal.Jur.3d, Sec. 173.

And that where an insufficient Three-Day Notice is served, the Complaint fails to state a cause of action since

strict compliance with the statutory provisions relating to the Three-Day Notice to Quit is pre-requisite to seeking the summary remedy of Unlawful Detainer (Baugh v. Consumers Associates, Ltd. (1966) 241 Cal.App.672, 675; 50 Cal.Rptr. 822).

Further, PACIFIC never proved that a landlord/tenant relationship existed between the parties even though in an Unlawful Detainer action, the Plaintiff must prove that a landlord/tenant relationship exists between the parties (Klein v. Loeffler (1929) 96 Cal.App. 383, 385; 274 P.373; and Fredericksen v McCosker (1956) 143 Cal.App.2d 114, 117 -118; 299 P.2d 908).

Additionally, Asuncion v. Superior Court (1980) 108 Cal.App.3d 141, 146;

166 Cal.Rptr.306, makes it truly plain and clear: that is, if TITLE is inevitably in issue in an Unlawful Detainer action, the action is not within the jurisdiction of the...Municipal Court, and said Court, as well as the other Respondents, were made well aware of this and [Myer's] title (and other) action in the related CASE NO. 41-72-38 in the... Superior Court, now on appeal to this Court, CA NO. G-002275.

[Myer] supported his position with many, many case citations from superior jurisdictions to those of Respondents, not only for the Unlawful Detainer aspects of this matter, but for the doctrine of Lis Pendens, Petition for Writ of Mandate/Prohibition, Motion for Abatement/Stay of the...Municipal Court's proceedings, RIGHTS, and so forth; some

of which can be seen additionally in EXHIBITS "L" and "M" attached to the Petition of which these Points and Authorities are in support; the rest to be reviewed in the records and files of Respondents.

V

REVIEW (CERTIORARI) IS THE APPROPRIATE REMEDY TO REVIEW AN ACT IN EXCESS OF THE JURISDICTION OF A LOWER TRIBUNAL

Auto Equity Sales, Inc. v. Superior Court (1962) supra, 57 Cal.2d 450, 454; 20 Cal.Rptr. 321; 369 P.2d 937, asserts:

> "Certiorari, like prohibition, is, of course, a 'jurisdictional' writ. While it cannot be used to attack an error of a lower tribunal committed in the exercise of its jurisdiction, it is available when that tribunal has acted in excess of its 'jurisdiction.'"

The Estate of Bodger (1954) 128 Cal. App. 2d 710, 714; 276 P. 2d 83,

affirmed that:

> "Any act of a court which adversely affects the rights of a litigant and which exceeds the power of the court, as defined by the Constitution and the law of the state, is in excess of its jurisdiction and such act may be restrained or annulled on certiorari."

Since the Respondent Courts below have acted in excess of their jurisdictions in the original decisions and judgments, and in all decisions and judgments, since the clear statutes and the superior jurisdictions were not followed in reaching their decisions and judgments (and were, in fact abrogated by Respondents), it is submitted that the Petition for Review (Certiorari) should be granted.

Dated: May 12, 1985.

Respectfully submitted,

Jeremy Myer
Petitioner, In Pro Per

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION III

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, APPELLATE DEPARTMENT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, Respondents, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	)	CA. NO. G-002742

PETITIONER'S NOTICE OF OBJECTIONS
TO COURT'S DENIAL OF PETITONER'S
PETITION FOR WRIT OF REVIEW
FILED ON MAY 13, 1985
DENIED ON MAY 16, 1985

The Municipal Court CASE NO. A 73032

The Superior Court CASE NO. 42-14-46

The Appellate Department
of the Superior Court CASE NO. AP-4726

TO THE HONORABLE...JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA:

[Myer] hereby states his OBJECTIONS to the Court's denial of his PETITION FOR WRIT OF REVIEW filed on May 13, 1985, and denied on May 16, 1985, as follows:

1. [Myer] believes that said denial was in violation of the intent of the law under which he petitioned for review.

2. [Myer] believes that there was no right or reason to arbitrarily and summarily deny his PETITION FOR WRIT OF REVIEW.

3. [Myer's] beliefs as stated in 1 and 2 above are based upon the contents of said PETITION, the contents of the files and records in the subject cases, and that the facts clearly show that he and his family were the subject of abuses of an unlawful detainer action in which:

a. There was no lawful or legal 'perfection of title' by [Pacific]/ Attorney.

b. There was no lawful or legal Three-Day Notice to Quit, and no such document was served properly by [Pacific]/Attorney.

c. There were no Summonses and Complaints which were served properly by [Pacific]/Attorney.

d. [Myer] claims the subject property by RIGHT and by PURCHASE.

e. There never was any valid lawful or legal jurisdiction for said summary action of the Unlawful Detainer to proceed against him and his family for these reasons and, therefore, for any Court decisions rendered against them.

f. He and/or his family were not in default at any time even though Court decisions were rendered against

them accordingly and not reversed on reviews/appeals.

g. Other and related reasons as are part of the records and files in these matters.

4. The Court, Respondents, and [Pacific]/Attorney have usurped and abrogated:

a. The unalienable RIGHTS of [Myer] and his family.

b. The RIGHTS of [Myer] and his family to look to the Courts in the State of California of the United States of America for redress of grievances and application of the laws, not sweeping them aside.

c. Proper judicial review based upon sufficiencies of the laws and the facts.

d. Their own oaths to support and defend the Constitution of the United

States and the Constitution of the State of California.

e. The RIGHTS of [Myer] and his family "to be secure in their persons, houses, papers, and effects, against unreasonable...seizures".

f. The RIGHTS of [Myer] and his family [not] "to be deprived of...property, without due process of law; ...".

g. The RIGHTS as retained by and reserved to [Myer] and his family (the People).

h. The (U. S. Constitution) Fourteenth Amendment RIGHTS of [Myer] and his family, including equal protection of the laws.

i. The RIGHTS of [Myer] and his family of "...acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

j. All other RIGHTS and PRIVILEGES as guaranteed and granted by the United States and California Constitutions.

k. All other RIGHTS as jurisdictional and foundational to the United States of America and the State of California.

5. The above sub-items of the above items 3 and 4 were substantively and explicitly pleaded by [Myer] throughout the proceedings, including appropriate citations in support thereof:

> 'WE ARE A NATION OF LAWS, AND NOT OF MEN.'
>
> 'Where RIGHTS are concerned, there can be no rule-making or legislation which abrogate them'.

Dated: Father's Day June 16, 1985.

JEREMY MYER
Petitioner In Pro Per

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

JEREMY MYER, Petitioner, v. THE MUNICIPAL COURT OF THE NORTH ORANGE COUNTY JUDICIAL DISTRICT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, APPELLATE DEPARTMENT, THE SUPERIOR COURT FOR THE COUNTY OF ORANGE, THE COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION III, Respondents, PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	Civil Action LA 32084 PETITION FOR REVIEW AND BRIEF IN SUPPORT THEREOF [On Court's Own Motion or in the Alternative, by Petition herewith] [Cal Rules of Ct, Rules 28, 29] [The Law and Justice]

The Municipal Court	CASE NO. A 73032
The Superior Court	CASE NO. 42-14-46
The Appellate Department of the Superior Court	CASE NO. AP-4726
The Court of Appeal, 4th App. Dist., Div. III	CA-G002742

TOPICAL INDEX OF CONTENTS

Section	Title
	TABLE OF AUTHORITIES
	PETITION FOR REVIEW
	BRIEF IN SUPPORT OF PETITION FOR REVIEW
I.	GROUNDS FOR PETITION AND FOR REVIEW
II.	SUMMARY STATEMENT OF PROCEEDINGS AND DECISIONS AND JUDGMENTS
III.	RESPONDENTS WERE WITHOUT AND/OR WERE IN EXCESS OF JURISDICTION
IV.	TITLE IS IN ISSUE AND TO BE FULLY ADJUDICATED: JURISDICTION WAS NOT IN THE RESPONDENT MUNICIPAL COURT
V.	DOCTRINE OF LIS PENDENS APPLIED BUT WAS IGNORED
VI.	OWNERSHIP ISSUES INVOLVE ASSERTIONS OF FRAUD
VII.	PETITIONER APPEARED SPECIALLY IN MUNICIPAL COURT
VIII.	THERE WAS NO PRE-REQUISITE PERFECTION OF TITLE

IX. THERE WAS NO VALID THREE-DAY NOTICE TO QUIT AND THERE WAS NO VALID SERVICE OF SAME

X. THERE WERE NO VALID SUMMONSES AND COMPLAINTS AND INVALID SERVICES OF SAME

XI. THERE WAS NO REQUIRED LANDLORD/TENANT RELATIONSHIP

XII. NEITHER PETITIONER, NOR ANY MEMBERS OF HIS FAMILY, WERE IN DEFAULT AT ANY TIME

XIII. PETITIONER AND HIS FAMILY WERE VEXATIOUSLY HARASSED BY PACIFIC WITH MULTIPLICITY OF SUIT

XIV. A WRIT OF MANDATE/PROHIBITION WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XV. AN ORDER FOR ABATEMENT/STAY OF PROCEEDINGS WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XVI. A SETTLED STATEMENT WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XVII. THE DOCTRINE OF 'STARE DECISIS' WAS IGNORED

XVIII. A WRIT OF REVIEW (CERTIORARI) WAS IN ORDER FOR PROPER SUBSTANCE LAW AND PROCEDURAL BASIS

XIX. CONCLUSION AND PETITIONER'S PRAYER

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

[Myer] petitions this Court for a full and complete review of the proceedings, decisions, orders, and judgments of the Respondents, including their respective files and records, in accordance with this PETITION FOR REVIEW AND BRIEF IN SUPPORT on the Court's own motion or, in the alternative, for the reasons and purposes as stated in the following BRIEF. All matters pleaded in the BRIEF have been pleaded in the Respondent Courts.

....

Petitioner, in Propria Persona and not an attorney, has only now been able to complete this PETITION AND BRIEF after doing his best to review, read, and

understand the Rules of Court, including the new Rules effective May 6, 1985, to comply therewith to the best of his ability, to fulfill his personal obligations, and to prepare this BRIEF based upon the substantive items of law and fact which appear in the files and records in this matter.

BRIEF IN SUPPORT OF PETITION FOR REVIEW

I. GROUNDS FOR PETITION AND FOR REVIEW

1. Judicial Notice is to be taken of the fact that on February 24, 1985, [Myer] mailed to the Court seven (7) copies of his APPELLANT'S REPLY BRIEF in CASE NO. AP-4726 which had been filed in ...Appellate Department on February 19, 1985:

a. Said REPLY BRIEF includes some of the Constitutional and statutory

violations of...Municipal Court and [Pacific] with substantive case and other citations supportive of [Myer's] position.

b. Said REPLY BRIEF was and is a constructive Petition for Review by virtue of its submission...:

....

c. [Myer] thus constructively Petitioned the Court for Review such that:

> "A petition for review submitted for filing prior to the finality of the Court of Appeal decision as to that court shall be received by the clerk and shall be deemed filed on the day after the decision becomes final as to the Court of Appeal."
> Cal Rules of Ct,
> [new] Rule 28(b).

2. Judicial Notice is to be taken of the fact that [MYER'S] NOTICE OF OBJECTIONS TO [...Appeal] COURT'S DENIAL OF [MYER'S] PETITION FOR WRIT OF REVIEW

FILED ON MAY 13, 1985, DENIED ON MAY 16, 1985, and dated [Sunday] Father's Day June 16, 1985, was mailed to this Court on June 17, 1985:

a. ....

b. Said NOTICE OF OBJECTIONS includes substantive rights, due process, jurisdictional, statutory, and Constitutional violations of all of the Respondent Courts and [Pacific/Attorney.

c. Said NOTICE OF OBJECTIONS was and is an addition to the constructive Petition for Review by virtue of its submission and its content.

3. ....

4. A review is necessary to secure uniformity of decision in that the proceedings, decisions, and judgments of the Respondent Courts supercede and overturn the United States Constitution, the California Constitution, the Business and

Professions Code, American and California Jurisprudence, and substantive case law (as a minimum, all of which [Myer] has pleaded and supported with appropriate citations) as they relate to [Myer's] and his family's rights, jurisdiction, due process, and so forth, in the summary proceedings of this Unlawful Detainer action and its related appeals and proceedings (including: PETITION FOR WRIT OF MANDATE/PROHIBITION/JUDICIAL REVIEW/JUSTICE; MOTION FOR ORDER FOR ABATEMENT OF ...MUNICIPAL COURT PROCEEDINGS OR IN THE ALTERNATIVE STAY OF...MUNICIPAL COURT PROCEEDINGS; and PURGATORY OATH AND DECLARATION OF...MYER FOR CLARIFICATION OF RECORD all in...Superior Court CASE NO. 42-14-46) --- (Cal Rules of Ct, Rule 29(a)(1)).

5. A review is necessary to settle important questions of law in that the

proceedings, decisions, and judgments of the Respondent Courts supercede and overturn the statutory requirements and provisions of the summary proceedings of Unlawful Detainer and its related appeals and proceedings including, but not limited to, the above items and the items as noted infra (Cal Rules of Ct, Rule 29(a)(1)).

6. A review is necessary to re-establish the doctrine of 'stare decisis' which the proceedings, decisions, and judgments of the Respondent Courts supercede and overturn and, then, such proceedings, decisions, and judgments (and the respective Respondents) were without and/or were in excess of jurisdiction. (Cal Rules of Ct, Rule 29(a)(2).

7. A review is necessary to uphold the law and to support the necessity for 'stare decisis' by notifying the Respond-

ent Courts that the violation of [Myer's] /family's RIGHTS were without and/or were in excess of jurisdiction. (Cal Rules of Ct, Rule 29(a)(1) and (2), and:

> "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."
> Miranda v. Arizona (1966) 384 U.S. 436, 491; 86 S.Ct. 1602; 16 L.Ed. 694.

II. SUMMARY STATEMENT OF PROCEEDINGS AND DECISIONS AND JUDGMENTS

....

23. On November 29, 1984, at the hearing on SETTLED STATEMENT,...Municipal Court refused to settle [Myer's] Proposed Settled Statement and refused to note [Myer's] objections for the record.

24. On April 1, 1985,... Appellate Department (CASE NO. AP-4726) denied [Myer's] APPEAL and entered its JUDGMENT and ORDER OF SUPERIOR COURT denying

[Myer's] MOTION TO HAVE HIS PROPOSED SETTLED STATEMENT AS FILED IN THE MUNICIPAL COURT FORMERLY ACCEPTED BY THE COURT AS IF CERTIFIED OR, IN THE ALTERNATIVE, TO ORDER THE JUDGE OF THE MUNICIPAL COURT TO CERTIFY IT, OR, IN THE SECOND ALTERNATIVE, TO ORDER THAT A STIPULATED RECORD BE PROVIDED, and denying [Myer's] MOTION TO HAVE THE SUBJECT PROPERTY IMMEDIATELY RETURNED TO HIM AND HIS FAMILY FOR THEIR QUIET AND PEACEFUL ENJOYMENT,....

25. On April 29, 1985,...Appellate Department (CASE NO. AP-4726) summarily denied [Myer's] PETITION FOR REHEARING OR CERTIFICATION TO THE COURT OF APPEAL....

26. On May 16, 1985, the ORDER of... Court of Appeal (CASE NO. G002742) was filed which summarily denied [Myer's] PETITION FOR WRIT OF REVIEW (CERTIORARI) which had been filed three (3) days earlier on May 13, 1985....

III. RESPONDENTS WERE WITHOUT AND/OR WERE IN EXCESS OF JURISDICTION

27. Respondents acted without and/or in excess of jurisdiction in rendering their decisions, orders, and judgments for the reasons which are clearly established in and supported by the records and files in this matter, some of which reasons appear in the following items.

IV. TITLE IS IN ISSUE AND TO BE FULLY ADJUDICATED: JURISDICTION WAS NOT IN THE ...MUNICIPAL COURT

28. [Myer] lawfully and legally purchased the subject property at the Trustee's Sale, claims the property and title in accordance with his wishes, with THE RIGHT TO THE POSSESSION:

> "Accordingly, title to the property is inevitably in issue in this unlawful detainer action, and the action is not within the jurisdiction of the municipal court."

Asuncion v. Superior Court
(1980) 108 Cal.App.3d 141 146;
166 Cal.Rptr. 306.

"[The] court has no jurisdiction to hear or determine a case where the type of proceeding or the amount in controversy is beyond the jurisdiction defined for that particular court by statute or constitutional provision. (See Cambra v. Justice's Court, 4 Cal. (2d) 445 [49 Pac. (2d) 1121].)"
[Underlines substituted for italics.]
Abelleira v. District Court of Appeal (1941)
17 Cal.2d 280, 288;
109 P.2d 942; 132 A.L.R. 715.

V. DOCTRINE OF LIS PENDENS APPLIED BUT WAS IGNORED

29. [Myer] had previously filed his action and a related Lis Pendens in... Superior Court (related CASE NO. 41-72-38) to press his claims:

"A lis pendens is for the purpose of giving notice of the jurisdiction or control which the court acquires over property involved in a suit pending the continuance of the action."
State v. Washington Dredging

& Improvement Co. (1906)
86 P. 936, 938; 43 Wash. 508;
adopting definition in
Washington Dredging & Improve-
ment Co. v. Kinnear et al.,
(1901) 64 P. 522, 522;
24 Wash. 405.

30. Further, the doctrine of L
Pendens has long been established a
recognized as the general law of the la
upon the broad public policy of maintai
ing the status quo of rights and inte
ests in property involved in litigatio
not only as between the parties there
but as to third parties having conflic
ing interests, until the action pendi
has been finally adjudicated:

> "It has been said that it is essential to the existence of valid and effective lis pender that three elements be present (1) The property must be of a character to be subject to the rule; (2) the court must have jurisdiction both of the perso and the res; and (3) the property or res involved must be sufficiently described in the pleadings."

Cook v. Mozer (1923)
140 N.E. 590, 592;
108 Ohio St 30.

[Myer's] prior and related action (CASE NO. 41-72-38) fulfilled the above-cited three (3) items. Also:

> "This doctrine [of Lis Pendens] is sound and wholesome in that it preserves the status quo of all conflicting rights and interests in the property in question, until there is a final adjudication of the issues raised in the pending suit." Cook v. Mozer, supra, ibid.

[Myer's] related suit is on appeal --- the issues have not been 'finally adjudicated'.

VI. OWNERSHIP ISSUES INVOLVE ASSERTIONS OF FRAUD

31. In his related and prior suit, Respondents and PACIFIC/Attorney having had appropriate real and constructive notice (and, in fact, PACIFIC's Attorney

used a copy of [Myer's] origin COMPLAINT from said suit as an EXHIBIT one of her filings in this Unlawf Detainer matter), [Myer] asserted fra on the part of PACIFIC (and others) preventing [Myer] from obtaining cle title in accordance with his purchase the Trustee's sale, and other matte related to the ownership issue:

> "It is generally recognized the summary unlawful detainer acti is not a suitable vehicle to t complicated ownership issues i volving assertions of fraud ar deceptive practices."
> Asuncion v. Superior Court (1980) (supra) 108 Cal.App.3d 141, 144; 166 Cal.Rptr. 306.

VII. PETITIONER APPEARED SPECIALLY IN MUNICIPAL COURT

32. [Myer] appeared "specially" ...Municipal Court and he continual challenged its jurisdiction, the 'perfe tion of title', the validity of

Three-Day Notice and the Summonses and Complaints; he never waived defects of service, nor submitted unqualifiedly or unrestrictedly to the jurisdiction of said Court, nor did he waive due process guarantees and/or any of his or his family's rights knowingly:

> "A special appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d 372, 375, 376." BLACK'S LAW DICTIONARY (1979) Fifth Edition, 89.

> "It is not general appearance where the question of jurisdiction of the person is raised by motion to quash for want of jurisdiction; McGillin v. Claflin, 52 Fed. 657;...
> "A special appearance to raise the question of judicial action does not amount to a general appearance; Commercial Mut. Accident Co. v. Davis, 213 U. S. 245, 29 Sup. Ct. 445, 53 L. Ed. 782. A special appearance entered to contest the jurisdic-

tion will not operate to waive objection to illegal or insufficient service; Lathrop-Shea & Henwood Co. v. Const. Co., 150 Fed. 666 (citing many Supreme Court cases where such appearance is recognized); Remington v. Ry. Co., 198 U. S. 95, 25 Sup. Ct. 577, 49 L. Ed. 959; Powers v. Ry. Co., 169 U. S. 92, 18 Sup. Ct. 264, 42 L. Ed. 673; Courtney v. Pradt, 196 U. S. 89, 25 Sup. Ct. 208, 49 L. Ed. 398; and the effect of such appearance is not enlarged by discussion of the merits in connection with the plea; Citizens Savings & Trust Co. v. R. Co., 205 U. S. 46, 27 Sup. Ct. 425, 51 L. Ed. 703;...."
BOUVIER'S LAW DICTIONARY
(1914) Third Revision
(being the Eighth Edition)
Reprint Edition 1984, Vol 1,
212-213

California recognizes "special appearance" (Judson v. Superior Court of Los Angeles County, 129 P.2d 361, 362; 21 Cal. 2d 11), and...Municipal Court proceeded without proving jurisdiction once it had been challenged (Burns v. Municipal Court, 195 Cal.

App.2d 599).

VIII. THERE WAS NO PRE-REQUISITE PERFECTION OF TITLE

33. There was no valid Perfection of Title prior to the Three-Day Notice to Quit, yet such Notice signed by PACIFIC's Attorney, an officer of the Court, specifies that "Title has been Duly Perfected". The record of...Municipal Court shows a document no. 83-549800 "RECORDED IN OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA -320 PM DEC 1 '83 /s/ Lee A Branch COUNTY RECORDER" transferring the property to PACIFIC: said document is dated and notarized on November 29, 1983, --- eight (8) days after the date of the Three-Day Notice to Quit. (Said document is also a fraud and a charade due to [Myer's] purchase at the Trustee's Sale.) [Myer] hereby declares and affirms that he inspected...Municipal

Court's file in this CASE NO. A 73032 several times from January 1984 and into September 1984, and he found said document as part of PACIFIC's APPLICATION FOR IMMEDIATE WRIT OF POSSESSION BY CLERK UNLAWFUL DETAINER dated and filed on August 24, 1984, when he inspected said file on September 14, 1984, and not before. Said document is prima facie evidence, both as to its face and as to its late filing, that there was no substance or jurisdiction to the Three-Day Notice to Quit and, without prior Perfection of Title, the Three-Day Notice to Quit is invalid, lacks any legal or lawful sufficiency and jurisdiction, and denies any causes of action in the summary proceedings of Unlawful Detainer since such Perfection of Title is a pre-requisite (CCP Sec. 1161a):

> "[O]ne who seeks the summary remedy of unlawful detainer allowed by the statute must bring himself clearly within its terms." Horton-Howard v. Payton (1919) 44 Cal.App. 108, 112; 186 P. 167.

The above proves, by the record, that the Three-Day Notice was a knowing fraud which, therefore, made the total Unlawful Detainer action a knowing, wilful fraud and abuse of Court process.

IX. THERE WAS NO VALID THREE-DAY NOTICE TO QUIT AND THERE WAS NO VALID SERVICE OF SAME

34. The Three-Day Notice to Quit was not served properly in accordance with CCP Sec. 1162: since there was no valid Three-Day Notice, none was served, thus the Summonses and Complaints lacked any legal or lawful sufficiency, any jurisdiction, and, therefore any causes of action. Also, the document purported to

be the 'Three-Day Notice' was not served on [Myer] and members of his household (who were later held in default on Court's own motion), on any 'tenant', or on any 'valid holdover', and there was no follow-up mail service (CCP §§ 1161a, 1162) prior to the...Municipal Court proceeding with assumed jurisdiction:

> "The failure to properly serve (three-day quit) notice on persons recognized as tenants in possession of the premises requires a judgment in their favor in the unlawful detainer action."
> Kwok v. Bergren, (1982) 130 Cal.App.3d 596, 600; 181 Cal.Rptr. 795.
>
> "Where an insufficient three-day notice is served, the complaint fails to state a cause of action.
> "Strict Compliance with the statutory provisions relating to the three-day notice to quit is a pre-requisite to seeking the summary remedy of unlawful detainer."
> Baugh v. Consumers Associates, Ltd. (1966) 241 Cal.App.2d 672, 675; 50 Cal.Rptr. 822.

X. THERE WERE NO VALID SUMMONSES AND COMPLAINTS AND INVALID SERVICES OF SAME

35. The SUMMONSES AND COMPLAINTS were want of legal and lawful sufficiency and jurisdiction due to the insuffiencies of the Three-Day Notice to Quit and, therefore, they failed to state any causes of action (Baugh v. Consumers, supra). The services of the documents purported to be valid SUMMONSES AND COMPLAINTS were insufficient as to proper personal service and/or follow-up service by mail (CCP §§ 1167, 415.10 and 415.20):

a. [Myer] hereby [re-]declares and [re-]affirms that they were not served on [Myer] and members of his household (who were later held in default on Court's own motion), on any 'tenant', or on any 'valid holdover', and that there was no follow-up mail service prior to...Municipal Court proceeding with

assumed jurisdiction.

b. [Myer] acknowledges that PACIFIC/Attorney filed, or caused to be filed, in...Municipal Court on August 24, 1984, a DECLARATION OF LINDA S. NUNEZ RE LOST OR MISPLACED ORIGINAL SUMMONS, APPLICATION TO USE COPY OF ORIGINAL SUMMONS IN PLACE OF ORIGINAL, ORDER THEREON, dated August 21, 1984, with the following attachments: SUMMONS; DECLARATION OF DENNIS SANCHEZ dated "January, 1984"; PROOF OF SERVICE on "LISA MYER" dated "1/20/84; PROOF OF SERVICE ON MRS. JEREMY MYER dated "1/20/84"; DECLARATION OF ATTEMPTED SERVICE on "JEREMY MEYER" of "S. HORVATH" dated "1-19-84"; and NON SERVICE RETURN of GARY F. SULLY dated January 19, 1984.

c. Consistent with all of the insufficiencies of PACIFIC's paperwork in this matter, Judicial Notice is to be

taken of the fact the items in sub-paragraph b, above, were placed in the record some eight (8) months after the...Municipal Court had again assumed jurisdiction, and after [Myer] had continually chalenged jurisdiction on the item of insufficient/invalid service of the SUMMONS AND COMPLAINT, among other challenges, both in the...Municipal Court and in the... Superior Court.

d. [Myer] re-declares and re-affirms hereby that his inspections of the records from January 1984 into September 1984 produced no such 'PROOFS OF SERVICE' and/or 'DECLARATIONS' previous to their August 24, 1984, filing date, that he and the members of his family never received any proper follow-up mail service, and that he obtained copies of said documents from the...Municipal Court on September 14, 1984.

e. Judicial Notice is to be taken of the fact that said documents were filed with the ORDER approved by the ..., Judge of the...Municipal Court, on a totally ex parte basis: that is, [Myer] declares and affirms that had no fore-knowledge of said documents, nor any chance to contest them at the time of their filing, and he never received copies of them by mail, at any address.

f. [Myer] believes that said documents were an attempt to correct the record, and [Myer] believes that such are fraudulent, and he hereby [re-]challenges them, accordingly.

XI. THERE WAS NO REQUIRED LANDLORD/TENANT RELATIONSHIP

36. There was no landlord/tenant re-lationship, and neither did PACIFIC plead any such relationship at any time. Thus, there was no legal or lawful basis upon

which the Unlawful Detainer could proceed or remain at bar, and this, and other items, remain uncontroverted: the purported COMPLAINTS themselves did not plead any fact or even purport to any landlord-tenant relationship existing between the parties or anyone found in default by the...Municipal Court on its own motions once it proceeded on assumed jurisdiction:

> "In an unlawful detainer action, the plaintiff must prove that a landlord/tenant relationship exists."
> Klein v. Loeffler (1929)
> 96 Cal.App. 383, 385;
> 274 P. 373.

> "A complaint in an unlawful detainer proceeding must plead the fact that a landlord-tenant relationship exists between the parties."
> Fredericksen v. McCosker
> (1956)
> 143 Cal.App.2d 114, 117-118;
> 299 P.2d 908.

> "...because of the summary nature of unlawful detainer, it has been held that the person seek-

> ing to avail himself of the u
> lawful detainer statute must
> bring himself clearly within
> terms of the relationships
> described in said statute.
> (Baugh v. Consumers Associate
> Ltd. (1966) 241 Cal.App.2d
> 672, 674, 50 Cal.Rptr. 822.)"
> [Supra] [Underlines substitut
> for italics.]
> Marvell, et al. v. Pizzeria
> (1984) 202 Cal.Rptr. 818, 82
> 155 Cal.App.3d Supp 1.

This recent 1984 case Marvell, supra, at page 823, also re-iterates the requirement for a pr Three-Day Notice to be served (proper and at page 825 cites the 1917 S Supreme Court case of Francis v. We Virginia Oil Co., 174 Cal. 168, 17 162 P. 394, as follows:

> "In order that such an [unlaw
> detainer] action may be main
> tained the conventional rela
> of landlord and tenant must
> shown to exist."

And, further, Marvell, supra, at page 824, analyzes the r

tionships of the parties in Goetz v. Hanks (1968) 261 Cal.App.2d 615, 68 Cal.Rptr. 150, and at page 825 notes that (in relation to Goetz):

> "...we are of the opinion that these factual differences do not require or allow a different legal analysis or conclusion."

[Myer] also asserts that he has pleaded substantively to the matters at bar such that his supportive case and other citations may have factual differences, but these also 'do not require or allow [for] a different legal analysis or conclusion'.

XII. NEITHER PETITIONER, NOR ANY MEMBERS OF HIS FAMILY, WERE IN DEFAULT AT ANY TIME

37. In addition, the records and files clearly show that there were no defaults by [Myer] or by any member of

his household since [Myer] has THE DU
and THE RIGHT (as unalienable) to act f
himself, for his spouse, and for h
household (CCP §§ 371 and 369, the Unit
States and State Constitutions, and t
Declaration of Independence of the Unit
States), and [Myer] acted and respond
accordingly.

XIII. PETITIONER AND HIS FAMILY WERE VEXATIOUSLY HARASSED BY PACIFIC WITH MULTIPLICITY OF SUIT

38. PACIFIC, in bringing and su
taining the obviously Unlawful Detain
action, in view of all of the above a
the proceedings and records and files
the Respondent Courts, has vexatious
harassed [Myer] with multiplicity
suit:

> "The controlling rule in th
> case, however, is that the pe
> dency of another action growi
> out of the same transaction...
> a ground for abatement of t

second action but never for abatement of the first. (Kirman v. Borzage (1949) 89 Cal. App.2d 898, 903 [150 P.2d 3]; Hagan v. Fairfield (1961) 194 Cal.App.2d 240, 246-247 [16 Cal.Rptr. 14].) The underlying theory of the plea of another action pending is that the first action will normally be an ample remedy, and the second action...is therefore unnecessary and vexatious. (Our italics.) (Williams v. State of California (1976) 62 Cal. App.3d 960, 964 [133 Cal. Rptr. 539]; Colvig v. RKO General, Inc. (1965) 232 Cal.App. 2d 56, 70 [42 Cal. Rptr. 473]; Wulfjen v. Dolton (1944) 24 Cal.2d 891 [151 P.2d 840].)" [Italics replaced with underlines.]
California Union Ins. Co. v. Trinity River Land Co. (1980) 105 Cal.App.3d 104, 108-109; 163 Cal.Rptr.802.

NOTE: PACIFIC used one law firm for the Unlawful Detainer, and another law firm for the related 'purchase' case.

"The rule which forbids a later action in the same state between the same parties involving that same subject matter rests upon principles of wisdom and justice, to prevent vexation, oppression and harassment, to prevent unnecessary litigation,

> to prevent a multiplicity
> suits,---in short, to pre
> two actions between the
> parties involving the same
> ject matter from procee
> independently of each other.
> Simmons v. Superior Court
> (1950) 96 Cal.App.2d 119, 12
> 125; 214 P.2d 844.

XIV. A WRIT OF MANDATE/PROHIBITION WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

39. A Writ of Mandate or Prohibi
should have issued from the...Supe
Court on [Myer's] Verified Petitio
have compelled the...Municipal Court
perform appropriately since the l
tribunal proceeded without or in ex
of jurisdiction, and since [Myer]
beneficially interested, had no pl
speedy, or adequate remedy in the o
nary course of the law (CCP §§ 1
1086, 1102, 1103).

> "The writ [of mandate] mus
> issued in all cases where t
> is not a plain, speedy,
> adequate remedy, in the ordi

course of law. It must be issued upon the verified petition of the party beneficially interested." (CCP § 1086).

"A Writ of Mandate is the appropriate remedy to direct the trial court to apply the proper law."
Hurtado v. Superior Court
(1974) 11 Cal.3d 574, 579;
114 Cal.Rptr.106; 522 P.2d 666.

"Petitioners have sought relief through either a writ of mandate or prohibition requesting the court to choose the more appropriate remedy. The case of Hays v. Superior Court (1940) 16 Cal.2d 260 [105 P.2d 975], provides that a writ of mandate lies in cases involving judicial discretion when that discretion has been abused. (State Farm etc. Ins. Co. v. Superior Court, 47 Cal.2d 428 [304 P. 2d 13], and Simmons v. Superior Court, 96 Cal. App.2d 119 [214 P.2d 844, 19 A.L.R.2d 288].) [Underlines substituted for italics.]
People v. Superior Court
(Ross) (1975)
49 Cal.App.3d 632, 641;
122 Cal.Rptr. 609.

And proceeding ex-jurisdiction by the...Municipal Court is abuse of discretion, and failure to correct same and/

or affirmation of ex-jurisdictional decisions by the other Respondents places them all in excess of and without jurisdiction since their jurisdiction is to proceed and decide in accordance with the law as a matter of law, as a matter of oath, as a matter of duty and, as to the parties, as a matter of right.

And: "...while the state does have a significant interest in preserving a speedy repossession remedy, that interest cannot justify the exclusion of matters which are essential to a just resolution of the question of possession at issue. As the Court of Appeals observed in Abstract Investment Co. v. Hutchinson (1962) 204 Cal.App. 2d 242, 249 [22 Cal.Rptr.309]: "Certainly the interest in preserving the summary nature of an action cannot out-weigh the interest of doing substantial justice. To hold the preservation of the summary proceeding of paramount importance would be analogous to the 'tail wagging the dog.'"" [Underlines substituted for italics.]

Green v. Superior Court (1974)
10 Cal.3d 616, 636;
111 Cal.Rptr. 704; 517 P.2d 1168

And [Myer] maintains and asserts that substantial justice cannot be done by usurping and overthrowing of the law.

XV. AN ORDER FOR ABATEMENT/STAY OF PROCEEDINGS WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

40. An Order for Abatement or, In the Alternative, Stay of the... Municipal Court Proceedings should have issued from the...Superior Court since the lower tribunal had no jurisdiction of the subject of the cause of action alleged, that there was another action pending between the parties on the same cause of action:

> "Pendency of another action constitutes valid ground for...a plea in abatement (Simmons v. Superior Court (1950) 96 Cal. App.2d 119 [214 P.2d 844, 19 A.L.R.2d 288])." [Underlines substituted for italics.]
> Kelly v. Trans Globe Travel Bureau Inc. (1976)
> 60 Cal.App. 3d 196, 206;
> 131 Cal.Rptr. 488.

"Where the rights of the parties to the second action cannot be properly determined until the questions raised in the first action are settled the second action should be stayed."
Simmons v. Superior Court
(1950) 96 Cal.App.2d 119, 130;
214 P.2d 844)

41. Respondent Courts were jurisdictionally in error in not preventing and stopping the Unlawful Detainer action against [Myer] since:

"It is well settled in California that the pendency of a prior action based upon the same cause, contested by the same parties and considered in the same jurisdiction, is ground for abatement of the second action. (1 Cal.Jur. 23, § 4; Code Civ. Proc., §§ 430, 433; Fresno Planing Mill Co. v. Manning, 20 Cal.App. 766, 769 [130 P. 196]; Mears v. Jeffry, 80 Cal.App.2d 610 [182 P.2d 294].) [Italics replaced with underlines.]
Hanrahan v. Superior Court
(1947) 81 Cal.App.2d 432, 435;
184 P.2d 157.

In the matter at bar, [Myer's] purchase at the Trustee's Sale is 'the same cause', and the parties are the same within the context of the rule since [Myer] is the Plaintiff/Appellant in the aforementioned related cases, and PACIFIC is one of the Defendants/Respondents.

XVI. A SETTLED STATEMENT WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

42. The...Municipal Court Judge was arbitrary and beyond his powers by refusing to settle [Myer's] PROPOSED SETTLED STATEMENT. Since [Myer] had prepared a STATEMENT which contained those portions of the oral proceedings which he deemed material to the determination of his points on appeal, even if said STATEMENT was deficient, the Court may not strike it out, but MUST proceed to settle it (Stevens v. Superior Court (1958) 160

Cal.App.2d 264, 268; 325 P.2d 204; Sweet v. Markwart (1953) 115 Cal.App. 2d 735, 742, 743; 252 P.2d 751).

43. Full and plenary power over the Settled Statement Record is reposed in the trial judge, subject only to the limitation that he does not act arbitrarily (Keller v. Superior Court (1950) 100 Cal.App.2d 231, 234; 223 P.2d 309).

44. The trial judge may not arbitrarily refuse to settle the Proposed Statement for use on appeal, unless there is some justifiable excuse (Sidebotham v. Superior Ct. In and For City and County of S. Francisco (1958) 326 P. 2d 890; 161 Cal.App.2d 624), and no justifiable excuse has been presented to [Myer]. (In fact, Respondents, for the most part, have been silent on the 'reasons' for their decisions, judgments, and orders.)

XVII. THE DOCTRINE OF 'STARE DECISIS' WAS IGNORED

45. [Myer] clearly established his position via substantive U.S. Supreme Court case citations, substantive State of California Supreme Court case citations, etc., as well as appropriate statutes and rules, that...Municipal Court was totally without jurisdiction to proceed and, therefore, that the decisions, judgments, and orders of the other Respondents which upheld and affirmed the lower tribunal's decisions, judgments, orders, and writ of execution, were without and/or in excess of jurisdiction.

46. In annulling a judgment of the Appellate Department of the Superior Court, the California Supreme Court said that:

> "[W]hether or not the Kroiss case was decided correctly, the appellate department of the superior court exceeded its

'jurisdiction,' as that term is used in connection with the writ of certiorari, in refusing to follow a rule established by a court of superior jurisdiction." [Underline substituted for itallics.]
Auto Equity Sales, Inc. v. Superior Court (1962)
57 Cal.2d 450, 454;
20 Cal. Rptr. 321; 369 P.2d 937.

47. [Myer] has clearly established 'stare decisis' in this PETITION, as well as in Respondents records and files of the subject matter. Also:

"Under the doctrine of stare decisis, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction. Otherwise, the doctrine of stare decisis makes no sense. The decisions of this court are binding upon and must be followed by all the state courts of California. Decisions of every division of the District Court of Appeal are binding upon all the justice and municipal courts and upon all the superior courts of this state, and this is so whether or not the superior court is acting as a trial or appellate court. Courts exercising inferior jurisdiction must accept the law

declared by courts of superior jurisdiction. It is not their function to attempt to overrule decisions of a higher court." [Underlines substituted for italics.]
Auto Equity, supra, at page 455.

XVIII. A WRIT OF REVIEW (CERTIORARI) WAS IN ORDER FOR PROPER SUBSTANCE LAW AND PROCEDURAL BASIS

48. A WRIT OF REVIEW (CERTIORARI) was in order from the...Court of Appeal for proper substance law and procedural basis since Respondents were without and/or in excess of jurisdiction for multiple reasons as noted supra, and since [Myer] had no appeal avenue from the aforementioned orders, decisions, judgments, and writ of execution rendered by, and upheld by, Respondents (CCP § 904.1 (a) (3) and (4); CCP § 1068). [Myer], the party beneficially interested, submitted his verified PETITION FOR WRIT OF REVIEW (CCP

§ 1069).

49. Although holding that the Superior Court did not exceed its jurisdiction in affirming a judgment of conviction rendered by the Justice's Court, the State Supreme Court said that:

> "Since no further appeal lies from the judgment of the superior court, however, the writ of certiorari is available as a means of challenging the jurisdiction of that court." Portnoy v. Superior Court (1942) 20 Cal.2d 375, 377; 125 P.2d 487.

50. Although involving the Writ of Prohibition, it was well stated that:

> "Speaking generally, any acts which exceed the defined power of a court in any instance, whether that power be defined by constitutional provision, express statutory declaration, or rules developed by the courts and followed under the doctrine of stare decisis, are in excess of jurisdiction, in so far as that term is used to indicate that those acts may be restrained by prohibition or anulled on certiorari." [Underlines substituted for italics.]

Abelleira v. District Court of Appeal (1941)
17 Cal.2d 280, 291;
109 P.2d 942; 132 A.L.R. 715.

51. It was affirmed that:

> "Any act of a court which adversely affects the rights of a litigant and which exceeds the power of the court, as defined by the Constitution and the law of the state, is in excess of its jurisdiction and such act may be restrained or annulled on certiorari."
> Estate of Bodger (1954)
> 128 Cal.App.2d 710, 714;
> 276 P.2d 83,

52. Since the Respondent Courts have acted in excess of their jurisdictions in their original decisions and judgments, and in all decisions and judgments, and since the clear statutes and the superior jurisdictions were not followed in reaching their decisions and judgments (and were, in fact abrogated by Respondents), it is submitted that the Petition for Review (Certiorari) should have been

granted.

XIX. CONCLUSION AND PETITIONER'S PRAYER

53. Clearly, among the other issues, Respondents' decisions and judgments against [Myer] and members of his family were want of jurisdiction since there was no required prior Perfection of Title to support the Unlawful Detainer proceedings, as well as a multitude of other insufficiencies and improprieties, some of which are noted hereinabove, but all of which are clearly included in all of the court records and files of which judicial notice is to be taken in each of the above-noted/related cases.

54. [Myer] sought appropriate relief and reversals in the Respondent Courts all to no avail. Yet [Myer] clearly cited support for his position such as:

"It is elementary that public officers must obey the law."
Wirin v. Parker
48 Cal.2d 890; 313 P.2d 844,

and: "The United States Supreme Court has repeatedly asserted that all officers of the government from the highest to the lowest are creatures of the law and bound to obey it."
63 Am.Jur.2d, Sec. 277,

both as cited in 52 Cal.Jur.3d, Sec. 173.

55. The Supreme Court of California has affirmed that:

"Every one has a RIGHT TO DEMAND that he be governed by general rules; and a special statute that singles his case out as one to be regulated by a different law from that which is applied in all similar cases would not be legitimate legislation, but an ARBITRARY MANDATE, UNRECOGNIZED BY THE LAW." (Emphasis added.)
Ex parte Jentzsch (1896)
44 Pac.Rptr. 803, 805.

In addition:

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence

> of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal [and civil] law the end justifies the means...would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face." Olmstead v. United States, 277 U.S. 438, 485 (1928) (dissenting opinion)."
> Dissenting opinion of Justice Brandeis.
> Miranda v. Arizona, (1966) 384 U.S. 436, 479-480; 86 S.Ct. 1602; 16 L.Ed. 694.

56. Enforcement of decisions, orders, and judgments of the Respondents are causing [Myer] to suffer continual injury and harm in being denied quiet title and possession of the property he lawfully purchased at public auction.

WHEREFORE, Petitioner prays:

1. That a Writ of Review issue out of this Court to the...Municipal Court, ...Superior Court,...Appellate Department, and...Court of Appeal, commanding them to certify fully to this Court at a specified time and place all of the records and proceedings in the above-mentioned cause so that the same may be inquired into and determined by this Court, and that [Myer] receive notification when such complete records have been received by this Court for review;

2. That the aforementioned cause be fully heard and considered by this Court and that the decisions, orders, and judgments made by...Municipal Court,... Superior Court,...Appellate Department, and...Court of Appeal as documented hereinabove, be annulled and set aside, and that [Myer] be granted full and com-

plete relief from same;

3. That [Myer] be granted immediate restitution of the premises;

....

Dated: July 14, 1985.

Respectfully submitted,

Jeremy Myer
Petitioner, In Pro Per

VERIFICATION

I, JEREMY MYER, declare that I am the Petitioner in the above-entitled matter;....

Executed on July 14, 1985, at Anaheim, California.

I affirm that the foregoing is true and correct.

Jeremy Myer

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

JEREMY MYER, Petitioner, v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE, Respondent; PACIFIC FEDERAL SAVINGS AND LOAN ASSOCIATION, Real Party in Interest.	Civil Action No. G003059 PETITION FOR REVIEW AND BRIEF IN SUPPORT THEREOF [Cal Rules of Ct, Rules 28, 29] [The Law and Justice]

The Municipal Court CASE NO. A 73032

The Superior Court CASE NO. 42-14-46

The Appellate Department of the Superior Court CASE NO. AP-4726

The Court of Appeal, 4th App. Dist., Div. III CASE NO. G002742
CASE NO. G003059

The Supreme Court of the State of California CASE NO. LA 32084

TOPICAL INDEX OF CONTENTS

Section	Title
	TABLE OF AUTHORITIES
	PETITION FOR REVIEW
	BRIEF IN SUPPORT OF PETITION FOR REVIEW
I.	GROUNDS FOR PETITION AND FOR REVIEW
II.	SUMMARY STATEMENT OF PROCEEDINGS AND DECISIONS AND JUDGMENTS
III.	THE LOWER TRIBUNALS/ RESPONDENTS WERE WITHOUT AND/OR WERE IN EXCESS OF JURISDICTION
IV.	TITLE IS IN ISSUE AND TO BE FULLY ADJUDICATED: JURISDICTION WAS NOT IN THE MUNICIPAL COURT
V.	DOCTRINE OF LIS PENDENS APPLIED BUT WAS IGNORED
VI.	OWNERSHIP ISSUES INVOLVE ASSERTIONS OF FRAUD
VII.	PETITIONER APPEARED SPECIALLY IN MUNICIPAL COURT
VIII.	THERE WAS NO PRE-REQUISITE PERFECTION OF TITLE

IX. THERE WAS NO VALID THREE-DAY NOTICE TO QUIT AND THERE WAS NO VALID SERVICE OF SAME

X. THERE WERE NO VALID SUMMONSES AND COMPLAINTS AND INVALID SERVICES OF SAME

XI. THERE WAS NO REQUIRED LANDLORD/TENANT RELATIONSHIP

XII. NEITHER PETITIONER, NOR ANY MEMBERS OF HIS FAMILY, WERE IN DEFAULT AT ANY TIME

XIII. PETITIONER AND HIS FAMILY WERE VEXATIOUSLY HARASSED BY PACIFIC WITH MULTIPLICITY OF SUIT

XIV. A WRIT OF MANDATE/ PROHIBITION WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XV. AN ORDER FOR ABATEMENT/ STAY OF PROCEEDINGS WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XVI. A SETTLED STATEMENT WAS IN ORDER AS A MATTER OF RIGHT AND OF LAW

XVII. THE DOCTRINE OF 'STARE DECISIS' WAS IGNORED

XVIII. A WRIT OF REVIEW (CERTIORARI) WAS IN ORDER FOR PROPER SUBSTANCE LAW AND PROCEDURAL BASIS

XIX. ADDITIONAL REASONS TO REVERSE THE LOWER TRIBUNALS' DECISIONS AND JUDGMENTS

XX. CONCLUSION AND PETITIONER'S PRAYER

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

[Myer] petitions this Court for a full and complete review of the proceedings, decisions, orders, and judgments of the Court of Appeal, Respondent Court, and the lower tribunals, including their respective files and records, in accordance with this PETITION FOR REVIEW AND BRIEF IN SUPPORT on the Court's own motion or, in the alternative, for the reasons and purposes as stated in the following BRIEF. All matters pleaded in the BRIEF have been pleaded in the Courts.

....

BRIEF IN SUPPORT OF PETITION FOR REVIEW

I. GROUNDS FOR PETITION AND FOR REVIEW

1. A review is necessary to secure uniformity of decision in that the proceedings, decisions, and judgments of the Respondent Courts supercede and overturn the United States Constitution, the California Constitution, the Business and Professions Code, American and California Jurisprudence, and substantive case law (as a minimum, all of which [Myer] has pleaded and supported with appropriate citations in the lower tribunals) as they relate to [Myer's] and his family's rights, jurisdiction, due process, and so forth, in the summary proceedings of this Unlawful Detainer action and its related appeals and proceedings (including: PETITION FOR WRIT OF MANDATE/PROHIBITION/ JUDICIAL REVIEW/JUSTICE; MOTION FOR ORDER

FOR ABATEMENT OF MUNICIPAL COURT PROCEEDINGS OR IN THE ALTERNATIVE STAY OF MUNICIPAL COURT PROCEEDINGS; and PURGATORY OATH AND DECLARATION OF...MYER FOR CLARIFICATION OF RECORD all in Respondent Superior Court CASE NO. 42-14-46) --- (Cal Rules of Ct, Rule 29(a)(1)).

2. A review is necessary to settle important questions of law in that the proceedings, decisions, and judgments of the lower Courts supercede and overturn the statutory requirements and provisions of the summary proceedings of Unlawful Detainer and its related appeals and proceedings including, but not limited to, the above items and the items as noted infra (Cal Rules of Ct, Rule 29(a)(1)).

3. A review is necessary to re-establish the doctrine of 'stare decisis' which the proceedings, decisions, and judgments of the lower Courts supercede

and overturn, and, then, such proceedings, decisions, and judgments (and the respective lower Courts) were without and/or were in excess of jurisdiction. (Cal Rules of Ct, Rule 29(a)(2).

4. A review is necessary to uphold the law and to support the necessity for 'stare decisis' by notifying the lower Courts that the violation of [Myer's]/ /family's RIGHTS were without and/or were in excess of jurisdiction. (Cal Rules of Ct, Rule 29(a)(1) and (2), and:

> "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."
> Miranda v. Arizona (1966) 384 U.S. 436, 491; 86 S.Ct. 1602; 16 L.Ed. 694.

II. SUMMARY
STATEMENT OF PROCEEDINGS
AND DECISIONS AND JUDGMENTS

....

[NOTE: To the U.S. Supreme Court:

Items 8 through 52 of the prior petition to the State Supreme Court substantially agree and, in most cases, almost identically agree in content to items 5 through 51 in this petition. Therefore, in the interest of space, they are not repeated here.

The below items 23, 24 and 52 are new.)

The respective items extracted from the prior petition as shown above apply here and are included herein by their reference as follows:

Prior petition above Items 23 through 26 are items 20 through 23, respectively;

Prior petition above Items 27 through 52 are items 26 through 51, respectively.]

24. On August 2, 1985, [the] SUPREME COURT OF THE STATE OF CALIFORNIA, IN BANK, transferred [Myer's] Petition

for Review (CASE L.A. No. 32084) "[back]" to the Court of Appeal.

25. On August 23, 1985, the Court of Appeal denied the "petition for a writ of review" "[again]" (CASE NO. G003059).

....

XIX. ADDITIONAL REASONS TO REVERSE THE LOWER TRIBUNALS' DECISIONS AND JUDGMENTS

52. As per the foregoing and the files and records in this matter, additional reasons as to why reversal of the results, judgments, and decisions which forced [Myer] and his household from the subject premises is required are as follows:

a. [Myer] and his household were deprived of property without due process of law and denied equal protection of the laws as provided for in the California Constitution, Article I, § 7(a), and the U. S. Constitution,

Amendments V and XIV, § 1. b. PACIFIC/ Attorney have been granted privileges and immunities beyond Constitutional provision and have been allowed to violate [Myer's] privileges or immunities in contradistinction to the California Constitution, Article I, § 7(b), and the U. S. Constitution, Amendment XIV, § 1.

c. Since there is the duty and obligation of contract of PACIFIC (and others) for which [Myer] is seeking appropriate relief via the aforementioned related cases, the Courts have contributed to the impairment of such duty and obligation. Further, such duties and obligations also pertain where [Myer] should be able to normally expect that THE LAW is to be followed by THE COURTS OF CALIFORNIA IN THE UNITED STATES OF AMERICA, including the procedures of the summary nature of the Unlawful Detainer

action. Such violations have clearly abrogated the California Constitution, Article I, § 9, and the U. S. Constitution, Article I, § 10, clause 1.

d. [Myer] and his family were deprived of their rights to be secure in their persons, houses, papers and effects as intended by the California Constitution, Article I, § 13, and the U. S. Constitution, Amendment IV, § 1.

e. Further, the oaths and judicial mandates as required by the following have been abrogated, violated, negated, and in all other ways made null and void:

California Constitution,
Article XX, § 3;
U. S. Constitution,
Article VI, clause 2;
Business and Professions
Code § 6067;
Cal. Jur., Vol. 7, 3rd Ed,
§ 45, ATTORNEYS AT LAW;
Am. Jur., Vol. 7, 2d Ed,
ATTORNEYS AT LAW,
§§ 2, 4, and 5.

f. Therefore, THE FACT AND THE LAW that:

> "The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land",
> California Constitution, Article III, § 1,

has also been abrogated and made null and void, as well as the Preambles to both the Constitution of the State of California and the Constitution of the United States.

[NOTE: To the U. S. Supreme Court:

> Items 53 through 56, as well as the 'prayer' of the prior petition to the State Supreme Court substantially agree and are almost identical in content to items 53 through 56 and the 'prayer' in this petition.
>
> Therefore, in the interest of space, they are not repeated here.
>
> Such respective items extracted from the prior petition as shown

above apply here and are included herein by their reference.]

Dated: September 2, 1985.

Respectfully submitted,

Jeremy Myer
Petitioner, In Pro Per

VERIFICATION

I, JEREMY MYER, declare that I am the Petitioner in the above-entitled matter;....

Executed on September 2, 1985,...

I affirm that the foregoing is true and correct.

Jeremy Myer